IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

W.A.No.675 of 2000

AGAINST THE JUDGEMENT IN O.P.NO.11884/1992 DATED 22/02/2000

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APPELLANT/PETITIONER:-

M.C.SEBASTIAN, S/O.CHACKO,
KUTTIKKATTU MANICKANAMPARAMBIL, NADAKAVU POST,
TRIPUNITHURAM ERNAKULAM DISTRICT.

BY ADV. SMT.SUMATHY DANDAPANI (SR.)

RESPONDENTS/RESPONDENTS:-

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
ERNAKULAM.

2. STATE OF KERALA, REP. BY DEPUTY SECRETARY,
LABOUR & REHABILITATION (R) DEPARTMENT, THIRUVANANTHAPURAM.

3. THE VILLAGE OFFICER, MANAKKUNNAM VILLAGE,
KANAYANNUR TALUK, UDAYAMPEROOR.

4. THE SPECIAL TAHSILDAR (R.R.), KANAYANNUR TALUK, ERNAKULAM.

5. KRISHNAKUMAR. M.P., MAKKAPARAMBIL HOUSE,
NAYARAMBALAM P.O., ERNAKULAM DISTRICT.

6. VIJAYAN K.A., KANJOOKATTIL HOUSE, SOUTH PARUR, TRIPUNITHURA.

7. KESAVAN A.G., AMBALAKKAT HOUSE, POOTHOTTA P.O., TRIPUNITHURA.

8. M.A.SEBASTIAN, POTHIKKAT MANICKANAMPARAMPIL,
SOUTH PARUR, TRIPUNITHURA.

9. GOPI.K.P. KOLLAMPARAMPIL HOUSE, NADAKKAVU P.O., TRIPUNITHURA.

10. SASIDHARAN.S.M, SASTHAMPARAMPIL HOUSE, SOUTH PARUR.

11. P.P.MATHEW, PALLICHIRAYIL HOUSE, SOUTH PARUR.

12. K.C.LAZAR, KUNNIYIL HOUSE, SOUTH PARUR, TRIPUNITHURA.

13. ROY JOSEPH, PULLATT HOUSE, ETTUMANOOR.

R1 BY STANDING COUNSEL SRI.P.RAMAKRISHNAN
R2 TO R4 BY SENIOR GOVERNMENT PLEADER SMT.MEERA
R5 1TO R13 BY ADV.SRI.P.GOPALAKRISHNA MENON.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.675/2000-C

Dated, this the 10th day of July 2007

JUDGMENT

K.T.Sankaran,J.

The appellant challenges the judgment dated 22nd February, 2000 in O.P.No.11884 of 1992. The Original Petition was filed by the appellant challenging Exhibit P14 order passed by the Government. Exhibit P14 order was passed in an appeal filed by the appellant-petitioner challenging Exhibit P8 order passed by the 1st respondent, the District Executive Officer, Kerala Motor Transport Workers Welfare Fund Board, Ernakulam.

2. Exhibit P8 final order was passed by the 1st respondent fixing the liability of the appellant under the Motor Transport Workers Welfare Fund Act. The contention of the appellant is that the workers mentioned in Exhibit P8 order are not his permanent workers. This contention was negatived by the Government in Exhibit P14 order. In the Original Petition, affidavits of respondents 5, 6, 7, 8, 9 and 13 were produced to show that they were not permanent workers. The learned Single Judge taking into account the facts and circumstances of the case directed the appellate authority, viz., the Government, to consider the appeal afresh on condition that the appellant-petitioner shall remit a sum of Rs.25,000/- towards the amount demanded.

3. We do not find any illegality or irregularity in the directions issued by the learned Single Judge. The learned counsel appearing for the appellant submits that the appellant is not running the bus service and that he is in an utter financial difficulty and if the direction to pay Rs.25,000/- is to be complied with, he will lose his right to prosecute the appeal on its merits.

Taking into consideration the submission made by the learned counsel, we are of the opinion that the direction to deposit Rs.25,000/- has to be modified and the amount reduced to a sum of Rs.15,000/-.

In the result, the Writ Appeal is disposed of, confirming the judgment appealed against with the only modification that instead of Rs.25,000/-, the appellant need deposit only Rs.15,000/- in a month's time from today. If such a deposit is made, the Government shall restore the appeal filed by the appellant against the order Exhibit P8 and dispose of the same afresh after affording the appellant a reasonable opportunity of being heard in the matter. The appellant shall produce the certified copy of this judgment before the State Government.

Consequently, C.M.P.No.1956 of 2000 is dismissed.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-